

REMARKS

The Applicant has studied the Office Action dated September 24, 2004. Reexamination and reconsideration of this application is requested. By this response, claims 2-7, 9-15, 17-21, 23-27, 29-34, and 36- 47 are pending in the application. Claims 1, 8, 16, 21, 22, 27, 28, and 35 have been cancelled without prejudice or disclaimer. It is submitted that the application is in condition for allowance. Reconsideration and allowance of the pending claims in view of the following remarks are respectfully requested. In the Office Action, the Examiner:

- rejected claims 1-4, 7-9, 12-18, 21-23, 25-31, 34-36, and 39-42 under 35 U.S.C. § 103(a) as being unpatentable over Bates et al., (U.S. 6,587,967) per a previous office action dated April 7, 2004; and
- rejected claims 43-47 U.S.C. § 103(a) as being unpatentable over Bates et al., (U.S. 6,587,967).

In the Office Action dated April 7, 2004, the Examiner:

- objected to claims 5, 6, 10, 11, 19, 20, 24, 32, 33, 37, and 38 as being dependent upon a rejected base claim but would be allowable if rewritten in independent form including all the limitations of the base claim and any intervening claims; and

Allowable Subject Matter

As an initial matter, the Applicant wishes to thank Examiner Iqbal for indicating the allowable subject matter of claims 5, 6, 10, 11, 19, 20, 24, 32, 33, 37, and 38. Although the Applicant respectfully disagrees with the Examiner's rejection of independent claims 1, 8, 16, 21, 22, 27, 28, and 35, the Applicant has elected to cancel independent claims 1, 8, 16, 21, 22, 27, 28, and 35 solely for the purpose of expediting the patent application process in a manner consistent with PTO's Patent Business Goals (PBG), 65 Fed. Reg. 54603 (September 8, 2000). Claims 5, 10, 19, 24, 32, and 37 have been carefully amended and rewritten in independent form including all the limitations of the

base claim and any intervening claims. Accordingly, claims 5, 10, 19, 24, 32, and 37 are now in a condition for allowance which allowance is respectfully requested.

Claims 6, 11, 20, 33, and 38 depended from claims 5, 10, 19, 32, and 37. Since dependent claims contain all the limitations of the independent claims, claims 6, 11, 20, 33, and 38 should be allowable as well which allowance is respectfully requested.

Claims 5, 6, 10, 11, 19, 20, 24, 32, 33, 37, and 38 as now presented contain only those limitations of originally filed claims 5, 6, 10, 11, 19, 20, 24, 32, 33, 37, and 38. Therefore, this amendment does not narrow the scope of claims 5, 6, 10, 11, 19, 20, 24, 32, 33, 37, and 38 within the meaning of *Festo*². Accordingly, claims 5, 6, 10, 11, 19, 20, 24, 32, 33, 37 and 38 are now in a condition for allowance which allowance is respectfully requested.

Applicants have amended claims 2-4, 6-7; 9, 11-15, 17-18, 20; 23, 25-26; 46; 29-31, 33-34; 36, 38-42, and 47 to depend upon allowable claims 5, 10, 19, 24, 32, and 37. Since dependent claims contain all the limitations of the independent claims, claims 2-4, 6-7; 9, 11-15, 17-18, 20; 23, 25-26; 46; 29-31, 33-34; 36, 38-42, and 47 should be allowable as well which allowance is respectfully requested.

Continuing further, Applicant has amended independent claim 43 to recite limits which are analogous to allowable claim 24. Accordingly, the Applicant submits that claim 43 should be allowable which allowance is respectfully requested.

² Festo Corp. v. Shoketsu Kinzoku Kogyo Kabushiki Co., Ltd., No. 00-1543 (122 S. Ct. 1831; 2002 U.S. LEXIS 3818; 62 U.S.P.Q.2D (BNA) 1705)(Decided May 28, 2002).

Dependent claims contain all the limitations of the independent claims. Since claims 44 and 45 depend from independent claim 43, claims 44 and 45 should be allowable as well which allowance is respectfully requested.

CONCLUSION

The remaining cited references have been reviewed and are not believed to affect the patentability of the claims as amended.

In this Response, Applicant has amended certain claims. In light of the Office Action, Applicant believes these amendments serve a useful clarification purpose, and are desirable for clarification purposes, independent of patentability. Accordingly, Applicant respectfully submits that the claim amendments do not limit the range of any permissible equivalents.

Applicant acknowledges the continuing duty of candor and good faith in the disclosure of information known to be material to the examination of this application. In accordance with 37 CFR §1.56, all such information is dutifully made of record. The foreseeable equivalents of any territory surrendered by amendment are limited to the territory taught by the information of record. No other territory afforded by the doctrine of equivalents is knowingly surrendered and everything else is unforeseeable at the time of this amendment by the Applicant and its attorneys.

Applicant respectfully submits that all of the grounds for rejection stated in the Examiner's Office Action have been overcome, and that all claims in the application are allowable. No new matter has been added. It is believed that the application is now in condition for allowance, which allowance is respectfully requested.

PLEASE CALL the undersigned if that would expedite the prosecution of this application.

Respectfully submitted,

Date: December 23, 2004

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